

Land Use and Development Committee Report

The Land Use and Development Committee of the McLean County Board met on Thursday May 1, 2008 at 4:45 p.m. in Room 400, Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Gordon, Members Ahart, Caisley, and Segobiano

Members Absent: Members Baggett and Sweeney

Other Board Members Present: None

Staff Present: Mr. John Zeunik, County Administrator, Ms. Diana Hospelhorn, Recording Secretary, County Administrator's Office

Department Heads/
Elected Officials
Present:

Mr. Phil Dick, Director, Building and Zoning

Others Present:

Mr. Greg Symanski, Property Owner, Mr. David Nord, Property Owner, and Ms. Ruth Oesch Property Owner

Chairman Gordon called the meeting to order at 4:57 p.m. Chairman Gordon stated that the first order of business is consideration of the April 3, 2008, minutes.

Motion by Caisley / Segobiano to recommend approval of the April 3, 2008 minutes, as written in the County Board packet.
Motion carried.

Chairman Gordon presented the bills from April 30, 2008 which have been reviewed and recommended for transmittal to the Land Use and Development Committee by the County Auditor. The prepaid total and fund total for April 30, 2008 is \$16,284.62. He asked for a motion to approve the bills as presented by the County Auditor.

Motion by Segobiano / Ahart to recommend
Approval of the April 30, 2008 bills as presented
by the County Auditor.
Motion carried.

Chairman Gordon informed the Committee that Mr. Matt Sorensen has requested that his application to vacate a part of a front yard setback area of Lot 33 in the Second Addition to Hill-N-Dale Subdivision which is located in Old Town Township at 8270 Idlewood Drive, Bloomington, file no. S-08-03, be pulled from the May agenda. Mr. Sorensen is considering another option that may make this application to vacate unnecessary. He would like to have the opportunity to possibly revisit the issue at a future date.

Motion by Caisley / Ahart to table item 4-A,
of the May Agenda - application of Matt Sorensen
to approve a vacation plat for a part of a front yard
setback area of Lot 33 in the Second Addition to
Hill-N-Dale Subdivision which is located in Old Town
Township at 8270 Idlewood Drive, Bloomington,
file no. S-08-03.
Motion carried.

Chairman Gordon stated that the next item to be presented to the Committee in the form of a Public Hearing is an application of Greg and Laura Symanski to approve a vacation plat for a part of a front yard setback area of Lot 45 in the 3rd Addition to Charter Wood Farms Subdivision at 19470 Great Crane Rd., Bloomington, file no. S-08-04.

Chairman Gordon called the Public Hearing to order at 4:55 p.m. He asked Mr. Phil Dick, Director of Building and Zoning, to address the Committee.

Mr. Dick pointed out that Mr. Greg Symanski was present. He explained that Mr. Symanski wants to build an addition to their garage. They are requesting to vacate the north 6 feet of the south 50 feet front yard setback area of lot 45 in the 3rd Addition to Charter Wood Farms Subdivision. This Subdivision was platted with a 50 foot front setback area; the Zoning Ordinance requires a 30 foot front setback. Mr. Dick advised that the department does not usually support a variance on a front yard setback, however, Mr. Symanski has talked to the neighbors and the Homeowners Association and they are both in agreement. They are present and willing to enter testimony in that regard. He distributed an aerial photo of the property.

Chairman Gordon, in accordance with public hearing procedures, invited the applicant or representative to address the Committee.

Mr. Greg Symanski, 19470 Great Crane Rd., Bloomington, IL, informed the Committee that he is requesting to extend the current garage 10 feet and widen the current garage 8 feet towards the back of the yard. This crosses the line 5 ½ feet from the easement. He stated that they are meeting all other covenants as been provided for in the 3rd Addition to Charter Wood Farms Subdivision. His situation is unique because he is on a corner lot. Mr. Symanski pointed out that he has talked to all of his neighbors and they are comfortable with what he is requesting to do. He also has their signatures confirming their approval.

Mr. Dick added that the County Health Department, the County Highway Department and Building and Zoning recommend approval of the proposed front yard setback vacation.

Chairman Gordon thanked Mr. Symanski and asked for further questions. Hearing none, he closed the Public Hearing at 5:00 p.m.

Motion by Segobiano / Ahart to recommend approval of an application of Greg and Laura Symanski to approve a vacation plat for a part of a front yard setback area of Lot 45 in the 3rd Addition to Charter Wood farms Subdivision at 19470 Great Crane Rd., Bloomington, file no. S-08-04
Motion carried.

Chairman Gordon informed the Committee that the last item to be presented in the form of a Public Hearing is an application of David Nord to approve a vacation plat for a part of the Jefferson Street, also known as Bert Street, right-of-way located immediately north of Lot 92 in the Bloomington Heights Subdivision at 118 Washburn Street, Bloomington, file no. S-08-05.

Chairman Gordon called the Public Hearing to order at 5:01 p.m. He asked Mr. Phil Dick, Director of Building and Zoning to address the Committee.

Mr. Dick referred to an aerial photo and explained to the Committee that the area is a part of a platted street that was never built. Mr. Nord wants to vacate a right-of-way area to the north of his dwelling in order to install a septic system there. He is requesting to vacate that part of Jefferson Street, also known as Bert Street, right-of-way located immediately north of Lot 92 in the Bloomington Heights Subdivision at 118 Washburn Street, Bloomington, file no. S-08-05. He advised that the County Health Department can only issue a permit for the septic system upon the approval of this application. The Township Road Commissioner has signed a letter indicating his approval of this proposed right-of-way. The County Highway Department and Building and Zoning recommend approval of the proposed right-of-way vacation.

Chairman Gordon, in accordance with public hearing procedures, invited the applicant to address the Committee.

Mr. David Nord, 1005 Rabbit Hill Road, Bloomington, IL advised the Committee that he had recently purchased the property. When they filed an application with the County Health Department for a replacement septic system, Mr. Nord advised the Committee that he was informed of the platted street.

Mr. Caisley noted that, with only 25 feet of right-of-way, a road would not be possible. Mr. Dick responded that in a situation such as this, it is vital to have the approval of the Township.

Chairman Gordon thanked Mr. Nord and asked if other parties present wanted to be heard by the Committee.

Ms. Ruth Oesch, 114 Washburn, Bloomington, IL addressed the committee. She stated that she owns property just south of the applicant and has no opposition with the platted street being closed.

Chairman Gordon thanked Ms. Oesch and asked for further questions.

Mr. Caisley asked if the County had the authority to vacate this street or is it the Township's. Mr. Dick answered that, through this Public Hearing and with the signed approval of the Township Road Commissioner, the County has the authority to vacate this street.

Chairman Gordon asked for further questions. Hearing none he closed the Public Hearing at 5:08 p.m.

Motion by Caisley / Segobiano to recommend approval of the application of David Nord to approve a vacation plat for a part of the Jefferson Street, also known as Bert Street, right-of-way located immediately north on Lot 92 in Bloomington Heights Subdivision at 118 Washburn Street, Bloomington, file no.S-08-05.
Motion carried.

Chairman Gordon asked Mr. Dick to address the items for information.

Mr. Dick stated that the first item for information is the Illinois Leadership Conference on June 11, 2008 at the Hawthorn Suites, Champaign, IL. County Board Member Don Cavallini is on the Planning Committee for this conference and is coordinating a session on "Energy Alternatives." He stated that the next item for information is the Advancing Wind Power in Illinois Conference on June 25, 2008 at the Interstate Center, Bloomington, IL, hosted by the Illinois Wind Working Group.

Mr. Segobiano asked the status of the Wind Farm lawsuit.

Mr. John Zeunik, County Administrator, noted that the efforts to have the board dismissed from the lawsuit have been unsuccessful. They are still in the Discovery process. No trial date has been set.

Chairman Gordon asked if they were basically starting over, "de novo". Mr. Zeunik responded that one of the arguments that County legal staff has made, at this point without success, in front of two different Judges, is that state law says; the action of the County Board, approving the recommendation of the Zoning Board of Appeals (ZBA), is a legislative action. The recourse of the objectors is to have a "de novo" hearing before the Court demonstrating to the Court that this Special Use Permit should not be granted. The attorney for Information is Power continues to file pleadings and motions arguing points of administrative review, due process, and constitutional law. The Court continues to entertain all of these issues. Mr. Zeunik noted that the Judge is trying to give the objectors every avenue available rather than simply rule against them. This is a proceeding in a Court of Law and the Court will be much stricter in respect to what it allows to be heard.

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Mr. Zeunik updated the Committee on the Enbridge Pipeline. He stated that it is before the Illinois Commerce Commission. A formal hearing on the Enbridge petition is scheduled to begin sometime in July, 2008. The Illinois Commerce Commission agreed to push the hearing date back as a result of objections and petitions filed by the objectors.

Chairman Gordon stated that the next meeting will be June 5, 2008. He asked if there was any other information to come before the Committee. Hearing none, he adjourned the meeting at 5:30 p.m.

Respectfully Submitted

Diana Hospelhorn
Recording Secretary